

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 21, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Suzukawa, J. (Assigned) and D. Nolan, Deputy Clerk.

B171505 Sabeti v. New Haven Financial Inc.

Argument waived, cause submitted.

B167837 Eli Avihod
v.
Daystar Development, Inc., et al.

Merits:
Argued by Steven Berkowitz for respondents. Leon Small waives oral argument for appellant. Cause submitted.

B167273 Michael A. Hertz
B172121 v.
Twenty Six, Inc.

Merits:
Argued by Gregory Grantham for appellant and by Mitchel J. Ezer for respondent. Cause submitted.

DIVISION ONE (Continued)

B172540 Michelle Padila
 v.
 MRA Holding, LLC, et al.

Merits:
Argued by Ronald E. Guttman for appellants and by Lisa A. Cervantes for respondent. Cause submitted.

B169733 Mary McFadden
 v.
 State Personnel Board
 Department of Consumer Affairs

Merits:
Argued by Mary McFadden, appellant in propria persona and by James F. Ahen for respondent. Cause submitted.

Mallano, J. leaves the bench.

B172554 William Jerkovsky
 v.
 Elizabeth Card

Merits:
Argued by William Jerkovsky appellant in propria persona, and Lisa MacCarley for respondent. Cause submitted.

B175903 Phoneisha Folkes
 v.
 Arthur Bufford

Merits:
Argued by Robert B. Clayton for respondent. Arthur Bufford, appellant in propria persona waives oral argument. Cause submitted.

Mallano, J. returns to the bench.

DIVISION ONE (Continued)

B169675 Anthony Estrada et al.
v.
RPS, Inc.,

Argued by Lynn R. Faris for appellants and by James M. Nelson for appellant. Cause submitted.

B178840 Alan (Not for Publication)
v.
Superior Court, Los Angeles County
(UBS Painewebber Inc. et al., r.p.i.)

Mallano, J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B168776 Church of Christ in Hollywood et al. (Not for Publication)
v.
Cage-Barile

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

December 21, 2004 (Continued)

DIVISION ONE (Continued)

B170875 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B173805 People v. Barnes (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B175271 Los Angeles County, D.C.S. (Not for Publication)
v.
John J.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

December 21, 2004 (Continued)

DIVISION ONE (Continued)

B171505 Sabeti (Not for Publication)

V.

New Haven Financial, Inc., et al.

The appeal is dismissed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

B174070 Los Angeles County, D.C.S. (Not for Publication)

V.

Tawnia S.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.

Suzukawa, J. (Assigned)

B178764 Alejandro R. (Not for Publication)

V.

Superior Court, Los Angeles County

(L.A. Department of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.

Suzukawa, J. (Assigned)

DIVISION TWO

B169352 People
v.
Izaguirre

Filed order granting petition for rehearing. The matter will be submitted upon the earlier of the filing of a reply brief or seven days from the date of this order.

DIVISION THREE

B170335 People v. Aldrich (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B173618 People (Not for Publication)
v.
Spurlock

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 2:00 P.M.

Present: Epstein, P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B172381 People v. Wanhainen
B171938 People v. Parsee
B171776 People v. Matamoros
B173037 People v. Davie
B173593 People v. Looney et al.

Argument waived, cause submitted.

B171183 People
 v.
 Rivas

Merits:

Argued by Irma Castillo for appellant and by Kenneth N. Sokoler for respondent. Cause submitted.

B154818 People
 v.
 Davis

Merits:

Argued by Steven Schorr for appellant and by Susan Lee Frierson for respondent. Cause submitted.

B171280 People
 v.
 Clark

Merits:

Argued by Adam Axelrad for appellant and by Robert D. Breton for respondent. Cause submitted.

DIVISION FOUR (Continued)

B173972 Alameda Produce Market, Inc.
 v.
 City of Los Angeles, et al.

Merits:

Argued by Michael A. Abramson for appellant; by Mary K. Dennis for respondent City of Los Angeles and by James L. Arnone for respondent Los Angeles Wholesale Produce Market. Cause submitted.

Court adjourned.

B171698 Armstrong (Not for Publication)
 v.
 Reicheun

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Grimes, J. (Assigned)

B174169 People
 v.
 Brown

Filed order denying petition for rehearing.

DIVISION FIVE

B166698 Robert J. Jaffe M.D.
 v.
 Kaiser Foundation Hospital et al.

Filed order denying petition for rehearing.

December 21, 2004 (Continued)

DIVISION FIVE (Continued)

B167460 People (Not for Publication)
v.
Juan Bravo

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SEVEN

B168835 Streetscenes
v.
ITC Entertainment

Filed order denying petition for rehearing.

B171433 People
v.
Sotelo

Filed order denying petition for rehearing.

DIVISION EIGHT

B167404 People (Not for Publication)
v.
Ramon Reyes

The judgment is affirmed. The trial is directed to issue an amended abstract of judgment to reflect 231 days' credit for actual, presentence custody.

Boland, J.

I concur: Flier, J.
I concur: Rubin, Acting P.J. (opinion)

December 21, 2004 (Continued)

DIVISION EIGHT (Continued)

B168295 People (Not for Publication)
v.
Donavan Thomas

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B167691 People (Not for Publication)
v.
Kang

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B175831 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Joe B.

The petition for writ challenging the juvenile court order terminating reunification services and setting a hearing pursuant to section 366.26 is denied.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

We concur: Rubin, Acting P.J.
Boland, J.

We concur: Rubin, Acting P.J.
Boland, J.

December 21, 2004 (Continued)

DIVISION EIGHT (Continued)

B171288 People (Not for Publication)
v.
Diaz

The judgment is reversed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B168015 People (Not for Publication)
v.
Hurtado

The abstract of judgment is corrected as to count 7 to reflect the actual crime of which appellant was convicted, a violation of section 12021, subdivision (a)(1). The superior court is directed to send a corrected abstract reflecting that change to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.